

**UNITED STATES DISTRICT COURT
For the
DISTRICT OF NEW JERSEY**

ANTHONY V. OTTILIO,
individually, and OTTILIO
PROPERTIES LLC,

Plaintiffs,

v.

VALLEY NATIONAL BANCORP,
VALLEY NATIONAL BANK,
MICHAEL GHABRIAL, JOHN
CINA, ANDREW B. ABRAMSON,
ROBERT C. SOLDOVERI, HANS
KRETCHMAN, ALFRED
SORRENTINO, JR. and GENOVA
BURNS GIAN TOMASI WEBSTER,

Defendants.

CIVIL ACTION

Case No. : 3:13-cv-07154-AET-DEA

**NOTICE OF APPEAL TO THE UNITED STATES COURT
OF APPEALS FOR THE THIRD CIRCUIT**

Anthony V. Ottilio and Ottilio Properties LLC, by and through Kenneth Rosellini, Esq., their attorney, appeals to the United States Court of Appeals for the Third Circuit from the Order and Opinion of the District Court for the District Court of New Jersey, entered in this case on March 7, 2014 (Docket Entry 43) (Order Granting Motions to Dismiss); March 7, 2014 (Docket Entry 42) (Opinion on Order Granting Motions to Dismiss).

The aforementioned Order and Opinion dismissed the Appellants' Complaint in the above-captioned action. In making its decision, the Court: 1) too narrowly interpreted *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 127 S. Ct. 1955, 1958, 167 L. Ed. 2d 929 (2007) as to the allegations required to state a RICO claim using violations Wire Fraud, Mail Fraud and the Travel Act as Predicate Acts in dismissing Plaintiffs' Complaint, 2) failed to take account of the plausibility of the Plaintiffs' Complaint by considering the allegations of fraudulent omissions committed by the Defendants, and 3) failed to consider that the role of the private prosecutor under 18 U.S.C. §§1961,1962 (as implied by the objective standard of the discovery rule employed as to the statute of limitations in RICO actions) requires a pleading standard more akin to Notice Pleading with a requirement that the Court allow for discovery so that the Plaintiffs' claims could be considered on the merits and not adjudicated at the Federal Rule of Civil Procedure 12(b)(6) stage of proceedings.

The parties to the Orders and/or Opinions appealed from and the names and addresses of their respective attorneys are as follows:

Defendant	Genova	Burns	represented by	EDWARD J. DAUBER
	Giantomasi	Webster		GREENBERG, DAUBER,
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Defendants	Valley	National	represented by	R. SCOTT THOMPSON
	Bancorp,	Valley		LOWENSTEIN SANDLER PC
	Bank,	John		65 LIVINGSTON AVENUE
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	Robert	Andrew		(973) 597-2500
	C.	B.		Email:sthompson@lowenstein.com
	Soldoveri,	and		
	Alfred			
	Sorrentino,	Jr.		

April 7, 2014

A handwritten signature in blue ink, appearing to read 'Kenneth Rosellini', is positioned above a horizontal line.

KENNETH ROSELLINI, ESQ.

ATTORNEY FOR APPELLANTS

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